THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27943 OF 2019

Dated:17.12.2019

Between:

Vasukula Srinivas, S/o. Veeraswamy,
Aged 45 years, Occ: Private Lecturer and
Agriculture and others .. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others .. Respondents

This Court made the following:

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for respondents 1 to 4.

2. Petitioners are aggrieved by entertaining the appeal by the Revenue Divisional Officer, Kazipet, Warangal District, bearing No.1276 of 2018 preferred by respondent No.5 under Section 5-B of the Telangana Rights in Land and Pattadar Passbooks Act, 1971. The subject matter of the dispute is with reference to land to an extent of Acs.2.23½ guntas in Survey Nos.1693 and 1694 of Madikonda Revenue Village, Kazipet, Warangal Urban District. The maintainability of the appeal is challenged on the ground that there is inordinate delay in preferring the appeal. The mutation exercise was completed in the year 1998, whereas the appeal was preferred in the year 2018.

3. Learned counsel for the petitioners submits that Sri V.Veeraswamy, who was respondent in the appeal and father of petitioners, filed written arguments raising the plea of maintainability of the appeal filed with inordinate delay and that Revenue Divisional Officer has no power to condone the delay.

4. Be that as it may, so far no orders are passed by the Revenue Divisional Officer either accepting the appeal or accepting the submissions of the petitioners on the maintainability of the appeal. It is not in dispute that the Revenue Divisional Officer is the appellate authority and appeal is maintainable against the entries made in the revenue records. Therefore, *prima facie,*

entertaining the appeal cannot be faulted. So far the appellate authority has not passed orders on the objections filed by the petitioners. Therefore, it is premature to go into the issue as to whether the Revenue Divisional Officer would entertain the appeal even though the appeal appears to have been preferred after long lapse of time. Therefore, the Court is not inclined to entertain the Writ Petition.

5. The Writ Petition is disposed of granting liberty to the petitioners to prosecute their grievance, if any adverse decision is made by the Revenue Divisional Officer. It is needless to observe that since the appeal was preferred in the year 2018 and more than one year has lapsed, the Revenue Divisional Officer is directed to take steps to dispose of the appeal, preferably within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity to both the parties. Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:17.12.2019

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